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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/41/66

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of Home Affairs Notification No. F.1/29/68-GP dated the 29th June, 1968, the Administrator of Goa, Daman and Diu is pleased to make the following rules regulating the Recruitment of persons to Class I posts in the Directorate of Education under the Government of Goa, Daman and Diu.

1. Short title. — These rules may be called Goa, Daman and Diu Administration, Directorate of Education Class I (Gazetted) posts Recruitment Rules, 1969.

2. Application. — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. Number, classification and scale of pay. — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. Method of recruitment, age limit and other qualifications. — The method of recruitment of the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Central Government from time to time; and
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. Power to relax. — Where the Administrator is of the opinion that it is necessary or expedient so to do, he may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules in respect of any category of persons/posts.

6. These rules shall come into effect from the date of their publication and will relate to appointments to the various posts made on or after this date.

By order and in the name of the Administrator
of Goa, Daman and Diu.

T. Kipgen
Chief Secretary

Panaji, 8th July, 1969.
17th Asadha, 1891.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruitments will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made	If a DPC exists, what is its composition	Circumstances in which U. P. S. C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Director of Education.	One	General Central Service Class I Gazetted.	Rs. 1100-50-1300-60-1600.	Selection	45 years and below. (Relaxable for Govt. servants)	<p>Essential:</p> <p>i) At least 2nd Class Master's degree of a recognised University or equivalent.</p> <p>ii) Degree or Diploma in Teaching / Education of a recognised University/Institute or equivalent.</p> <p>iii) About 10 years' experience in the field of education including about 5 years in responsible administrative capacity.</p> <p>(Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified).</p> <p>Desirable:</p> <p>i) Knowledge of local languages.</p> <p>ii) Experience of work in an examining body, e.g. Board of High / Higher Secondary Education.</p>	N. A.	Two years	Promotion failing which by transfer on deputation and failing both by direct recruitment.	<p>Promotion:</p> <p>Deputy Director of Education with 5 years service in the grade.</p> <p>Transfer on deputation:</p> <p>Suitable officers holding similar posts in the Central Government/State Government.</p> <p>(Period of deputation ordinarily not exceeding 3 years).</p>	Class I As required D.P.C.	As required under the rules.
Deputy Director of Education.	Two	Do	Rs. 700-40-1100-50/2-1250.	Do	40 years and below. (Relaxable for Govt. servants)	<p>Essential:</p> <p>i) At least 2nd Class Master's degree of a recognised University or equivalent.</p> <p>ii) Degree/Diploma in Teaching / Education of a recognised University/Institute or equivalent.</p> <p>iii) About 7 years experience in the field of education includ-</p>	N. A.	Do	<p>Promotion failing which by transfer on deputation and failing both by direct recruitment — 50%</p> <p>Direct Recruitment — 50%</p>	<p>Promotion:</p> <p>Educational Inspectors/Assistant Director of Education with five years service in the grades.</p> <p>Transfer on deputation:</p> <p>Suitable officers holding similar posts in the Education Departments of Cen-</p>	Do	Do

tral/State Govern-
ments.
(Period of deputation
ordinarily not ex-
ceeding 3 years).

ing about 3 years in
responsible adminis-
trative capacity.

(Qualifications relaxable
at Commission's dis-
cretion in case of can-
didates otherwise well
qualified).

Desirable:

- i) Knowledge of local languages.
- ii) Experience of work in an examining body, e.g. Board of High/Higher Secondary Education.

Notification

OSD/RRVS/9/68

In exercise of the powers conferred by the proviso to Article 309 of the Constitution read with the Government of India, Ministry of External Affairs' letter No. F.7(11)/62-Goa dated 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government, Town and Country Planning Department (non-gazetted, non-ministerial posts) Recruitment Rules, 1966, issued under Notification dated 27th June, 1966 and published in Government Gazette Series I, No. 18 dated 4th August, 1966 namely:—

1. *Short Title and Commencement.*— (i) These rules may be called the Goa Government, Town and Country Planning Department (non-ministerial, non-gazetted) posts Recruitment (First amendment) Rules, 1969.

(ii) They shall come into force at once.

2. In the Schedule attached to the said Notification:

(a) Against the post of Tracer at Serial No. 1 for the existing entry in column 4 substitute:

"Rs. 110-4-150-EB-4-170-5-180-EB-5-200"

(b) Against the post of Draftsmen (Planning) at Serial No. 5:

(i) for the existing entry in column 8 substitute:

"Age—No; Qls—Yes."

(ii) For the existing entry in column 10 substitute:

"Promotion failing which by direct recruitment".

(iii) For the existing entry in column 11 substitute:—

"Promotion—Tracer in the Department with 2 years service in the grade".

(iv) For the existing entry in column 12 substitute:

"Class III D.P.C.".

T. Kipgen

Chief Secretary

Panaji, 25th July, 1969.

3rd Sravana, 1891.

Finance (Revenue) Department

Notification

Fin(Rev)/2-41/929/69

The following draft notification by which certain amendments are proposed to be made to rules 24 and 30 of the Goa, Daman and Diu Entertainment Tax Rules, 1965 is hereby republished as required by section 14(1) of the Goa, Daman and Diu Entertainment Tax Act, 1964. Any suggestions with

regard to the proposed amendments may please be communicated to the undersigned within 30 days from the date of publication of this notification in the Gazette of Government after which the draft will be taken into consideration.

DRAFT NOTIFICATION

In exercise of the powers conferred by Section 14 of the Goa, Daman and Diu Entertainment Tax Act, 1964, read with section 3(A) of the said Act, the Government of the Union Territory of Goa, Daman and Diu is hereby pleased to make the following Rules so as to amend the Goa, Daman and Diu Entertainment Tax Rules, 1965, namely:

1. *Short Title and Commencement.* — (i) These rules may be called the Goa, Daman and Diu Entertainment Tax (Amendment) Rules, 1968.

(ii) They shall come into force at once.

2. *Amendment of rule 2.* — In rule 2 of the Goa, Daman and Diu Entertainment Tax Rules, 1965 (hereinafter referred to as the "Principal Rules") the following definitions shall be added after (iv) namely —

(v) "Drama" means a composition in prose or verse arranged for enactment by actors on a stage and intended to portray life or character or to tell a story by means of dialogue and actions of the enactors and include opera, ballet and dance-drama.

(vi) "Theatrical performance" means any performance on a stage of or relating to theatre or to the acting or presentation of plays and includes music and dance.

3. After rule 24 of the Principal Rules, the following rules shall be inserted, namely: —

"24(A) — Procedure for determining the question of game, sport or theatrical performance under section 3(A) — (1) If any question arises whether an entertainment is a game or sport or a theatrical performance other than a drama, the Commissioner may call upon the Proprietor of such entertainment to furnish such particulars as he deems necessary for the purpose and shall cause a notice to be served on the proprietor asking him to be present on such date and such time and place as may be specified in the notice with all the papers relevant to the enquiry.

(2) After notices are served in accordance with the provisions of sub-rule (1) the Commissioner shall after a summary enquiry proceed to decide the question.

(3) If the proprietor fails to appear on the date, time and place so fixed when the case is called for hearing, the Commissioner may decide the question on such material as is available to him.

(4) Where the question is decided under sub-rule (3), the proprietor may apply, within 30 days from the date of the order communicated to him, for setting aside the order and the Commissioner, if he is satisfied that there was sufficient cause for non-appearance, when the case was called for hearing, shall make an order setting aside the earlier order and shall fix a

date for proceeding with the enquiry and arriving at a decision.

24(B) — Procedure and manner of preferring an appeal under sub-section (2) of section 3A. — (1) An appeal under sub-section (2) of section 3A of the Act shall be preferred within 10 days from the date on which the order of the Commissioner under sub-section (1) of section 3A of the Act is communicated. The appeal shall be in the form of a memorandum and shall bear a Court fee stamp of fifteen rupees.

(2) On receipt of the appeal under sub-rule (1), the Government shall cause a notice to be served on the appellant, asking him to be present on such date and such time and place as may be specified in the notice with all the papers relevant to the hearing of the appeal.

(3) After notices are served in accordance with the provisions of sub-rule (2) the Government shall, after the hearing, proceed to determine the appeal.

(4) If the appellant fails to appear on the date fixed, time and place when the case is called for hearing, the Government may dismiss the application for default or proceed to decide the appeal in the absence of the party with material before him.

(5) Where the appeal is dismissed under sub-rule (4) the appellant shall be precluded from making a fresh appeal on the same facts with respect to the same performance. But the appellant may apply within 30 days from the date of the order of dismissal communicated to him setting aside the dismissal and the Government, if it is satisfied that there was sufficient cause for non-appearance when the case was called for hearing, shall make an order setting aside the order of dismissal upon such terms as it thinks fit and shall fix a date for hearing of the appeal.

(6) In any decision given in appeal, whatever may be its grounds, the Government shall always decide whether the entertainment in dispute is a game or sport or a theatrical performance other than a drama and may, to decide it, require further information or particulars from the appellant or any other person:

Provided that the provisions of sub-rule (6) shall not be applicable in case where the appeal is rejected on any preliminary objection.

24(C) — Refund of Entertainment Tax. — If as the result of the decision under rule 24(A) or rule 24(B) or exemption granted on application for any entertainment the proprietor of such entertainment is entitled to refund of any amount of entertainment tax already paid or part thereof, he may apply to the Commissioner within three months from the date of communication of such decision or order, as the case may be, for refund of such amount and the Commissioner, after proper scrutiny, shall refund the amount due.

4. In rule 30 of the Principal Rules, for the existing sub-rule (1) the following shall be substituted namely: —

"(1) All Soldiers, sailors and airmen serving in the defence forces of India, shall be exempt from Entertainment Tax, in the manner and to the

extent as specified below, provided that a person claiming exemption under this Rule if he is in Mufti shall produce his Identity Card and a Certificate in Form "J" annexed to these rules duly signed by an officer of his Unit and not below the rank of a Junior Commissioned Officer:

(a) When they visit a military cinema — full exemption.

(b) When they visit any other cinema

- (i) Full exemption, where the payment for admission does not exceed Rs. 2/-.
- (ii) Exemption to the extent of 50 per cent of the Entertainment Tax, where the payment for admission exceeds Rs. 2/-.

5. In the Schedule of the Principal Rules, the following form shall be added at the end.

FORM "J"

(See Rule 30)

Form of certificate prescribed under Rule 30(1) for claiming exemption from Entertainment Tax

No. ...

Certified that the holder of this; Shri ... Rank ..., No. ..., is a member of the regular Indian Armed Forces. He may be exempted from the payment of Entertainment Tax leviable under the Goa, Daman and Diu Entertainment Tax Act, 1964.

(Signature of the issuing Officer
with designation)

Station ...
Dated ...

After checking the Identity Card of the holder and on the authority of this Certificate this soldier was issued ticket No. ..., dated:

(Signature of the Proprietor or
Manager)

Dated: ...

Name and place of the Entertainment House ...

Note: (1) The certificate is valid only for the date and place specified therein.

- (2) The certificate must be signed by an Officer not below the rank of a Junior Commissioned Officer of the Unit in which the holder is working.
- (3) The holder of this certificate must be in possession of his identity card, which shall be shown to the Manager of the entertainment house before purchasing the ticket and shall also be produced, on demand, before the checking officer duly authorised under Section 6 of the Goa, Daman and Diu Entertainment Tax Act, 1964.
- (4) It shall be collected and kept for inspection, by the Manager of the Entertainment house.

By order and in the name of the Administrator of Goa, Daman and Diu.

Puran Singh, Finance Secretary.

Panaji, 30th July, 1969.

Law and Judicial Department

Notification

JCC/J-37/69-70(b)

In exercise of the powers conferred by sub-section (1) of section 20 of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963 read

with section 3 of the Goa, Daman and Diu Judicial Commissioner's Court (Declaration as High Court) Act, 1964 and in supersession of the earlier rules, I, V. S. Jetley, Judicial Commissioner, Goa, Daman and Diu hereby make the following rules, namely:

1. **Short title and commencement.** — (1) These rules may be called the Goa, Daman and Diu Judicial Commissioner's Court (Issue of writs and orders under articles 226, 227 and 228 of the Constitution) Rules, 1969.

(2) They shall come into force at once.

2. **Applications for issue of writs of mandamus, prohibition, quo warranto and writ of certiorari.** — Every Application for the issue of a direction, order or writ under Article 226 of the Constitution shall set out therein the relief sought and the grounds on which it is sought. It shall be solemnly affirmed or supported by an affidavit. In every such application, the applicant shall state whether he has made any other application to the Supreme Court or the High Court in respect of the same matter and how that application has been disposed of.

If the applicant makes an application to the Supreme Court in respect of the same matter during the pendency of the application in the High Court, he shall forthwith bring this fact to the notice of the High Court by filing an affidavit in the case and shall furnish a copy of such affidavit to the other side.

The High Court may adjourn the hearing of the application made to it pending the decision of the Supreme Court in the matter.

3. **Accompaniments to writ applications.** — (i) The applicant shall annex to his application typed copies of judgments and/or orders of the lower Courts or Tribunals and of affidavits and other relevant documents which are in English or, where any of such documents are not in English, typed copies of translations in English of such documents. He shall file along with the application a duplicate copy of the application with the said annexures for the use of the High Court. Both the original and the duplicate copy with the prescribed annexures shall be duly pagged and indexed.

(ii) Any translations, other than official translations, annexed to the application shall be either certified to be true by the Advocate for the applicant or supported by an affidavit of the applicant affirming that the translations are true.

(iii) In applications against the orders of the Revenue Tribunal, the applicant shall, in addition, file a true copy each of the judgment and/or order of the Revenue Tribunal and certified copies of the judgments and/or orders of the Officer concerned in the proceedings.

(iv) In an application against the order of Election Tribunal, the applicant shall, in addition to the annexures and accompaniments specified above, supply a typed copy of the memorandum of the application.

4. **Examination of writ applications, removal of office objections, and registration before removal of office objections.** — (i) The Office shall examine the applications as expeditiously as possible and in any

case complete the examination within six days from the date of filing.

(ii) Notwithstanding anything contained in any other rules, when the Office finds that any application filed under these Rules is incomplete, or that there are other objections, the Office shall, as soon as the examination is completed, affix on a Special Notice Board a notice specifying the office objections.

(iii) An entry of the date of notification as above shall be made on the presentation form of the application. The advocate for the applicant or the applicant, as the case may be, shall remove all office objections within three weeks from the date on which the office objections are notified as above, failing which the matter shall, without delay, be placed before the High Court for orders.

(iv) Notwithstanding anything contained in the foregoing sub-rule of this Rule any application which a party or advocate requires to be placed before High Court before removal of office objections shall be registered subject to office objections and may be placed before the High Court provided that the party, where he appears in person, and, in all other cases, the advocate undertakes in writing personally to remove all office objections. If Rule is issued on any such application or any *ex-parte* order such as an order of injunction against a party, stay of execution of a decree or order, stay of further proceedings etc. is made in respect of any such application pending the issue of Rule or simultaneously with the issue of Rule, the office shall specify all office objections within 3 days (excluding holidays) from the date of the order directing issue of Rule or making such *ex-parte* order, and the party or the advocate as the case may be shall remove all office objections within 10 days from the date of such order, failing which the matter shall be placed before the High Court, which may dismiss the application for want of prosecution:

Provided that where an application is summarily rejected all office objections excepting the objection relating to Court fees and objections on which objection relating to High Court fees is based shall be waived.

5. Summary dismissal or rule nisi. — The High Court may either summarily dismiss the application or order a rule nisi to be issued against the opponent against whom it is sought, as it thinks fit. Any rule so granted shall be made returnable on such day as the High Court may direct, but it shall not be made returnable within less than 14 days after service thereof on the opponent.

6. Interim or interlocutory order. — If the High Court grants rule, it may make such interim or interlocutory order in the case, either unconditionally or upon such terms and conditions as the High Court thinks just, as the nature and circumstances of the case may require.

7. Taxing and payment of process fees, supply of copies of applications for service on respondents and communication of stay order etc. — (i) The Office shall tax process fees within 3 days (excluding holidays) from the date of the issue of Rule by the High Court in ordinary cases and immediately in cases where an *ex-parte* order of the kind referred to in Rule 4(iv) above is made either pending the issue of Rule or simultaneously with the issue of Rule. The

applicant or his advocate, as the case may be, shall pay process fees and supply, unless otherwise directed by the High Court, as many typed copies of the application with the annexures as prescribed in Rule 3 as there are respondents immediately on the office taxing process fees in matters where such *ex-parte* order is made, and within 14 days from the date of the order of the High Court directing issue of Rule in other cases.

Provided that, where the members of any Tribunal, against whose decision or order the application is made, are made party respondents to the application as such, only one typed copy of the application with the prescribed annexures may be supplied for service on the said members of the Tribunal collectively, and service of a copy on any one of them shall be deemed to be service on all.

(ii) When the process fees are not paid and/or requisite number of copies of the application are not supplied within the time prescribed above, the application shall be placed, without delay, before the High Court for orders.

(iii) No communication of any *ex-parte* order of the kind mentioned in Rule 4 (iv) above shall be sent by writ or otherwise to the lower court, tribunal or authority or to the opposite party, unless the requisite process fees are paid and the necessary number of copies of the application with annexures prescribed in sub-rule (i) above are supplied both in the main matter (if any) and in the Civil Application in which the *ex-parte* order is made.

(iv) A party against whom an *ex-parte* order of stay or injunction has been passed by the High Court shall be entitled to approach the High Court for getting the said order discharged, after giving 24 hours' notice to the party or parties who are likely to be affected by such order of discharge, if it is passed by the High Court.

8. Service of Rule nisi and procedure where same is unserved or not properly served. — (i) The rule nisi granted as above shall, along with a copy of the order, if any, made under the last preceding rule, be served on the opponent in the manner prescribed in Order V of the Civil Procedure Code for the service of summons upon a defendant in a suit.

(ii) When a Public Officer is to be served in his official capacity with the notice of any rule issued in a proceeding under these Rules, service of the notice may be effected by delivering or tendering a copy of such notice to such Officer or any subordinate of such Officer not lower in rank than a Superintendent or a Head Clerk in his Office, and obtaining the signature of such Officer or his subordinate on the original in token of receipt of the notice.

(iii) If the Rule issued in any case is returned unserved or without being properly served the following procedure shall be followed:—

(a) The office shall on the first working day of the week place on the Notice Board under the signature of the Assistant Registrar a list of such cases stating therein:—

- (1) the number of the Case,
- (2) the name of the Advocate for the applicant,
- (3) the name of the opponent on whom Rule has been returned unserved or not properly served,

- (4) the date of return made to the High Court by the officers serving the Notice,
- (5) the date on which unserved or not properly served Rule was received in the office.

Publication of such a list shall be deemed to be sufficient notice to the applicant or his advocate of the non-service or of the service being not proper. A copy of such a list shall be supplied to the Advocates' Association for its use.

(b) Within 21 days from the date of the placing of the list referred to above on the Notice Board the party or the Advocate, as the case may be, shall take necessary steps in cases where Rule has been returned unserved to get the opponent or if he is dead, his legal representative served, and in cases where the Rule has been returned not properly served to get it properly served as required under Rules 20, 20-A and 21-A of Order V of the Civil Procedure Code, 1908, failing which the application shall without any delay be placed before the High Court for orders.

(iv) The following procedure shall be followed where an applicant dies during the pendency of the application or the opponent dies after the service of the rule on him:

(a) The applicant or his legal representative as the case may be, shall apply within 30 days from the date of the death of the deceased party to bring the legal representative or representatives of the deceased party on record.

(b) If such an application is made within the said period of 30 days and if there is no dispute as to who the legal representative is, the Registrar may grant such application and amend the record by bringing the proposed legal representative or representatives on record.

(c) If no such application is made within the said period of 30 days, or such an application is made beyond the said period, or there is a dispute as to who the legal representative is, the application, along with the application or applications for bringing the legal representative or representatives on record, if any, shall be placed before the High Court for orders.

9. Notification of receipt of Record and Proceedings.—The record and proceedings called for shall be notified immediately on receipt of the same in the Office, and the application shall not be placed before the High Court for hearing before the expiry of 7 days from the date of the notification of the record and proceedings unless otherwise ordered by the High Court.

10. Translations and costs of translations.—(i) If any translations of documents from the Record and Proceedings are necessary they may be got prepared by any of the parties to the application privately. Such translations shall either be certified to be true translations by the advocate of the party or shall be supported by an affidavit of the party affirming that the translations are true translations.

(ii) Such translations shall be filed in the Office at least 5 days before the application is circulated for hearing together with a statement of the number of folios into which the translations run and also an acknowledgement from or on behalf of each one of the opponents that a copy of the translations has been supplied to him.

(iii) Costs of such translations shall be shown in the bills of costs, the rate being the same as that fixed for official translations.

(iv) Translations not filed in accordance with the provisions of clause (ii) above shall not be accepted without an order of the High Court, nor shall the costs of such translations be shown in the bill of costs unless specifically ordered by the High Court.

11. Answer to rule nisi.—An answer to the rule nisi showing cause against such application shall be made by filing affidavit in the Office of the Registrar and by serving a copy thereof upon the applicant or his Advocate or Attorney, as the case may be, at least two days before the returnable date of the rule.

12. Service of rule nisi on other parties.—The High Court may, in its discretion, at any time before a final order is made on the application, order the rule nisi to be served on any party to be affected by any order which the High Court may make in the matter. The provisions contained in rules Nos. 8 and 11, relating to service of the rule and filing of an affidavit in reply shall apply to such a case.

13. No further affidavits allowed.—No further affidavit or affidavits shall be filed by any party except with the leave of the High Court.

14. Adjournments for examination of witnesses.—If cause be shown or answer made upon affidavit putting in issue any material question of fact, the High Court may allow oral testimony of witnesses to be taken and for that purpose may adjourn the hearing of the rule to some other date. In such case either party may obtain summonses to witnesses, and the procedure in all other respect shall be similar to that followed in a suit.

15. Costs.—The Costs of all applications and orders made under these Rules shall be in the discretion of the High Court.

16. Procedure in respect of applications under Articles 227 and 228.—(i) An application invoking the jurisdiction of the High Court under Article 227 of the Constitution or under Article 227 read with Article 226 of the Constitution or under Article 228 of the Constitution shall be heard and disposed of by the High Court. The application shall set out therein the relief sought and the grounds on which it is sought. It shall be solemnly affirmed or supported by an affidavit. In every such application the applicant shall state whether he has made any other application to the Supreme Court or the High Court in respect of the same matter and how that application is disposed of.

(ii) If the applicant makes an application to the Supreme Court in respect of the same matter during the pendency of the application in the High Court, he shall forthwith bring this fact to the notice of the High Court by filing an affidavit in the case and shall furnish a copy of such affidavit to the other side.

(iii) The High Court may adjourn the hearing of the application made to it pending the decision of the Supreme Court in the matter.

(iv) Provisions of Rules 3 to 15 above shall apply *mutatis mutandis* to all such applications.

17. Notwithstanding anything contained in the foregoing rules of these Rules, the Registrar may pass orders of the nature indicated below in an application made under Article 226, 227 or 228 of the Constitution in relation to which such orders are required to be made:

- (a) Orders under sub-rules (iii) and (iv) of rule 4.
- (b) Orders under sub-rule (ii) of rule 7.
- (c) Orders under sub-rule (iii) of rule 8.
- (d) Orders regarding deletion of the names of parties and substitution of heirs when the applications are in time.
- (e) Orders regarding requests for Record and Proceedings and additional Record and Proceedings.
- (f) Orders on Notes for withdrawal of appearance.
- (g) Orders on Notes for translation.
- (h) Orders on reports regarding non-service of affidavits, notes, etc. on the other side.
- (i) Orders on applications for appointment of guardian of a minor.
- (j) Orders on application for showing a party as major.

Execution of orders

18. **Drawing up of order including cost.** — Every order passed on Civil applications under Article 226 of the Constitution including any order as to costs, shall be drawn up as if it were a decree and shall be executable as a decree in the manner provided in the Code of Civil Procedure.

19. **Applications under section 82, C.P.C.** — (i) Applications under section 82 of the Code of Civil Procedure for making a report of non-satisfaction to the State Government of any order or decree passed in any civil application under Article 226 of the Constitution shall be supported by an affidavit of the applicant, and shall be accompanied by a certified copy of the decree or order.

(ii) Applications under the above sub-rule shall be heard and disposed of by the Registrar.

(iii) If the Registrar is satisfied (1) that the order or decree is not satisfied within the time specified therein or (2) that the execution of the order or decree is not barred by any provision of law, he may make a report of non-satisfaction to the State Government.

20. **Application for transmission of order or decree for execution.** — (i) Every application for transmitting the order or decree to any Court for execution under section 39 of the Code of Civil Procedure shall be supported by an affidavit of the applicant and shall be accompanied by a certified copy of the order or decree.

(ii) Applications under the above sub-rule shall be heard and disposed of by the Registrar.

(iii) The Registrar, when transmitting the decree or order, shall send all the documents necessary to be sent under the provisions of Order XXI, rule 6 of the Code of Civil Procedure and such other documents as he may deem necessary to the Court to which the decree or order aforesaid is transmitted for execution. Such documents may be sent directly by Registered Post to the Court concerned.

21. **Notice under O.XXI, r.22 C.P.C.** — (i) Where the provisions of Order XXI, rule 22 are applicable,

notice thereunder shall be issued by the Court to which the said decree or order is transmitted under the preceding rule.

(ii) Such Court shall determine all matters arising out of or in relation to the execution of the said decree or order transmitted for execution.

22. Reference to Court for orders in case of doubt.

— In case of doubt or difficulty in regard to any application under rules 18 to 21, the Registrar may refer such application to the High Court for orders.

23. **Execution of orders under Article 227.** — An order made by the Court under Article 227 of the Constitution shall be executable in the same manner in which the order made by the Court or Tribunal, against which the application under Article 227 has been made, could have been executed under the law.

24. The powers conferred and the duties imposed upon the Registrar under the above Rules shall, in his absence, be exercised or performed, as the case may be, by such Judicial Officer as empowered on this behalf by a special or general order passed by the Hon'ble Judicial Commissioner.

V. S. Jetley, Judicial Commissioner.

Panaji, 18th July, 1969.

Notification

JCC/J-37/69-70(c)

In exercise of the powers conferred by sub-section (1) of section 20 of Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963 read with section 3 of the Goa, Daman and Diu Judicial Commissioner's Court (Declaration as High Court) Act, 1964 and in supersession of the earlier rules, I, V. S. Jetley, Judicial Commissioner, Goa, Daman and Diu hereby make the following rules namely:

1. **Short title and commencement.** — (1) These rules may be called the Goa, Daman and Diu Judicial Commissioner's Court (Presentation of Appeals and application) Rules, 1969.

(2) They shall come into force at once.

2. **Presentation of proceedings.** — All matters which are to be instituted in the High Court shall be presented in the Office of the Registrar to such person as the Registrar may by special or general order authorise.

3. **Presentation of proceedings in person by parties.** — The presentation of any matter or proceeding by any person not represented by an Advocate shall be made by such person personally. If the said person is not known to the Office, he should be identified by some other person who is so known.

4. **Presentation of proceedings by Advocate.** — The presentation of any matters or proceedings on behalf of a party by an Advocate shall be made by such Advocate personally or by his recognized clerks.

5. **Production of vakalatnama by Advocate.** — If an Advocate files an appeal or application he shall produce either a Vakalatnama authorising him to do so or a written statement signed by him that

such Vakalatnama has been duly signed in time. Such Vakalatnama or written-statement shall contain the Advocate's address and any change in the Advocate's address subsequent to the filing of the appeal or the application and during the pendency of the same shall immediately be notified to the Office by the Advocate.

6. Vakalatnama to bear endorsement of acceptance by Advocate.—Every vakalatnama specified in rule 5 shall, before it is filed in the High Court, bear an endorsement of acceptance signed by the Advocate concerned, or by any other Advocate, provided that the former acknowledges and ratifies the acceptance of the Vakalatnama within two weeks from the date of its being filed in the High Court.

7. Prohibition to file vakalatnama by Advocate where there is already Advocate on record.—An Advocate shall not be permitted to file an appearance in an appeal or other proceeding in which there is already an Advocate on record, unless, he produces the written consent of the Advocate on record.

8. Memoranda of proceedings to be in English.—Memoranda of appeals or applications presented by an Advocate or a party shall be in English language.

Appeals

9. Certified copies of judgments or orders and decrees of lower Courts to accompany appeals.—Every appeal shall be accompanied by a certified copy of the decree or order and judgment under appeal, and in the case of appeals from appellate decrees also by certified copies of the decree or order and judgment of the trial Court and of the grounds of appeal and cross-objections, if any, in the lower appellate Court.

10. Simple copies to accompany appeals.—When presenting any appeal, an additional typed copy of the memorandum of appeal and of the judgment of the lower Court, pagged in accordance with the certified copy shall be supplied.

11. Memorandum of appeal or cross objection to show and explain value of the claim.—The value of the claim in appeal or in cross-objection shall be shown in the memorandum of appeal or of cross-objection *at the time of the presentation of such memorandum and it shall*, where necessary, be stated how the valuation has been arrived at.

12. Difference in valuation in lower Court and in this Court to be explained.—When the Court fee paid on, or the valuation stated in, the memorandum of appeal differs from that paid or stated in the lower Court, the difference shall be fully accounted for in a foot-note to the memorandum of appeal at the time of the presentation of such memorandum and the party or the Advocate shall also at the same time furnish all information and material necessary to explain the difference.

13. Accompaniments to appeals in execution Proceedings.—Appeals in execution proceedings shall, in addition to the accompaniments prescribed above be accompanied by certified copies of the decrees or orders under execution, unless the filing of such copies is dispensed with by the High Court.

14. Accompaniments to appeals from orders.—Appeals from orders under section 104 and order XLIII, rule 1 of the Code of Civil Procedure shall, in addition to the accompaniments stated above, be accompanied by copies of all other relevant documents on which the appellant or applicant wishes to rely, unless such copies or any of them are dispensed with by the High Court.

Civil Revision Applications

15. Accompaniments to civil revision applications.—Every application in exercise of the revisional jurisdiction of the High Court shall be accompanied by a certified copy of the judgment and decree or order complained of, and if the order sought to be revised is an appellate decree or order, by certified copies of the decree or order and judgment of the trial Court and the memorandum of appeal and cross-objection, if any, in the lower appellate Court.

16. Statements of facts in revision applications to be supported by affidavits.—Every fact stated in any application for the exercise of the revisional jurisdiction not set out in the order or judgment sought to be revised shall be supported by an affidavit.

17. Period of limitation for revision applications.—(i) Applications for the exercise of the revisional jurisdiction of this Court under any special or local law for which no period of limitation is prescribed by any such special or local law shall be presented within 90 days of the date of the decree or order sought to be revised. The time required for obtaining the certified copies of the judgment, decree, or order sought to be revised shall be excluded in computing the said period of 90 days.

(ii) The High Court may for sufficient cause excuse the delay in the presentation of an application referred to in sub-rule (i) above.

18. Accompaniments to revision applications against interlocutory orders.—Revision application against interlocutory orders shall, in addition to the accompaniments prescribed in rule 15, be accompanied by copies of all other relevant documents on which the appellant or applicant wishes to rely, unless such copies or any of them are dispensed with by the High Court.

Applications for review

19. Accompaniments to review applications.—(i) Every application for review shall be accompanied by a typed copy of the judgment and decree or order sought to be reviewed.

(ii) When an application for review proceeds on the ground of discovery of fresh matter or evidence, the documents, if any, relied upon shall be annexed to the application, with a list in Form No. 5 in Appendix H, Schedule I, of the Code of Civil Procedure, together with an affidavit setting forth the circumstances under which such discovery has been made.

(iii) It shall not be necessary for an Advocate who had filed a vakalatnama at the original hearing to produce a fresh vakalatnama in order to entitle him to apply for or to appear in the review.

General

20. Affidavits in respect of applications other than revision applications, and Registrar's power to dispense with affidavits.— (i) All Civil applications other than civil revision applications shall be supported by affidavits.

(ii) The Registrar may by general or special order dispense with affidavits in particular cases or particular classes of cases, except in Special Civil Application under articles 226 and 227 of the Constitution.

(iii) Where a party or an Advocate fails to remove the office objection relating to the filing of the affidavit within the time prescribed in these rules, the matter shall be placed before the Registrar immediately after the expiry of the said period for orders. The Registrar may either dispense with the filing of the affidavit or pass such other orders as he may deem necessary.

21. Registrar's power to dispense with supply of certified copies of judgments, orders or decrees.— The Registrar may dispense with the filing of certified copies of judgments, orders or decrees which are required to be filed under these rules when such copies or the originals thereof are already on the record of the High Court.

22. Documents or copies produced or supplied by Advocates or parties be neatly typed and clearly legible.— All memorandum of appeals, applications, affidavits, and copies supplied by the Advocates or parties, shall be neatly typed on thick, durable foolscap paper leaving a margin of 2 inches. The copies supplied for the use of the High Court and for service on the opposite parties shall accord with the original and shall be clearly eligible.

23. Office may refuse illegible or badly typed copies and documents.— The Office may refuse to accept any such papers which are not typed as prescribed or which do not conform to the requirements of rule 22 above.

24. Party in person to supply memo of address.— At the time of presentation, the party in person shall supply a memorandum of his address to which communications regarding the matter presented by him should be addressed by the Office and sufficient postal stamps for the postage and registration charges.

25. When Advocates not ordinarily practising in this Court may arrange for postal communication of date of hearing etc.— Advocates who do not ordinarily practise in this High Court, may, if they so desire, leave written instructions with the office along with the necessary postage stamps that any communications from the office regarding the date of hearing etc., and other particulars where their presence would be necessary may be sent to them by Post on the address given by them in the Vakalatnama, as required under Rule 5.

26. "Advocate" includes "Attorney".— In these Rules, the expression "Advocate" shall include an Attorney authorized to appear in the High Court, unless the context otherwise requires.

27. The powers conferred and the duties imposed upon the Registrar under the above Rules shall, in his absence, be exercise or performed, as the case may be, by the sub-Judicial Officer as empowered in this behalf by a special or general order passed by the Honourable the Judicial Commissioner.

V. S. Jetley, Judicial Commissioner.

Panaji, 18th July, 1969.

Industries and Power Department

Notification

4/6/68-IND

Notification No. 9/2/67-Salt dated 1-6-69 from Government of India, Ministry of Industrial Development Internal Trade and Company Affairs (Deptt. of Industrial Development) New Delhi is hereby re-published in the Government Gazette for general information of the public.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. R. Vaze, Under Secretary, Industries & Labour Department.

GOVERNMENT OF INDIA

MINISTRY OF INDUSTRIAL DEVELOPMENT

Internal Trade and Company Affairs

(Department of Industrial Development)

New Delhi, the 1st June, 1969

Notification

No. SRO.— In exercise of the powers conferred by sub-section (3) of section 1 of the Salt Cess Act, 1953 (49 of 1953), the Central Government hereby appoints the 1st June, 1969, as the date on which the said Act shall come into force in the Union Territory of Goa, Daman and Diu.

[F. No. 9/2/67-Salt]

Sd/-

V. PRAKASH

Under Secretary to the Government of India.